

REMARKS

The Applicant has carefully reviewed and considered the Examiner's Action mailed October 5, 2004, in which claims 3, 5 and 6 were objected to as containing allowable subject matter. Reconsideration is respectfully requested in view of the foregoing amendments and the comments set forth below.

By this Amendment, claims 1-2 and 5 are amended and new claims 11 and 12 are presented. Accordingly, claims 1-12 are pending in the present application.

The Action rejected claims 1, 4 and 7-10 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,333,988 to Seal, et al (hereinafter referred to as "Seal") as explained in paragraph 2 spanning pages 2-4 of the Action. In addition, claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Seal in view of U.S. Patent No. 5,091,450 to Hirasawa as explained in the paragraphs at the top of page of the Action. The rejections are respectfully traversed.

The present invention relates to an iris identifying apparatus which identifies an individual by extracting the image of an iris from the picked-up image of an eye of the individual. As explained in the Description of the Related Art of the present application, it is difficult for a user, particularly a novice, to stably hold their eye position on the image pickup unit of known iris identification apparatus. The iris identifying apparatus according to the present invention includes a controller that controls the illumination of the guide light depending upon a position of the eye to be identified. According to the invention, the guide light changes from a flickering ON-OFF state to a substantially turned ON state. As explained from page 7, line 19 through page 8, line 27, the controller causes the light guide to flicker when the eye is out of the image pickup distance and turns on the guide light when the eye has entered

in the image pickup distance. As a result of the flickering, which starts when an operation switch is activated, a target person is induced to look straight into the guide light and can perceive that the eye has entered the image pickup distance when the guide light changes from flickering to a substantially turned on state. As a result, the claimed iris identifying apparatus enables a beginner to successfully operate the unit.

Contrary to the claimed invention, Seal is directed to a personal identification apparatus that does not disclose a guide light to notify the target person whether or not their eye has entered the image pickup distance. It is the Action's position that the LCD screen described in column 7, lines 12-16 of Seal is a guide light. Nowhere does Seal disclose a controller which causes the LCD to change its illumination from flickering ON-OFF to substantially an ON state depending upon a position of the eye of the target person, as recited in independent claim 1. Accordingly, it is respectfully submitted that Seal cannot anticipate claim 1 because it fails to teach each and every recited element of the claim. Accordingly, dependent claims 4 and 7-10 also cannot be anticipated by Seal and withdrawal of that rejection is respectfully requested.

The secondary reference to Hirasawa was applied for its teaching of an "image pickup apparatus with an electronic viewfinder that detects the presence of a photographer's eye" (page 5, lines 3-4 of the October 5, 2004 Action). However, Hirasawa is directed to an image pickup apparatus suitable for use as a video camera or a digital still camera, and is concerned with power consumption used by a large screen image display monitor, which the photographer may use instead of the viewfinder. That is, if the photographer is looking through the viewfinder, wasteful power will be consumed if the large-screen image display monitor is being driven. Accordingly, Hirasawa discloses an image pickup apparatus capable of detecting the location of an eye. As explained in column 2, lines 1-19 of Hirasawa, when the eye of the photographer is

detected to be in proximity to the viewfinder, an inhibiting means for inhibiting driving of the monitor and changing means changes the image displaying direction from the monitor to the viewfinder. Nowhere does Hirasawa disclose, teach or suggest notifying the photographer whether or not the eye of the photographer is within a range of the optimum distance, nor does Hirasawa disclose the recited controller which causes the guide light to change its illumination from flickering ON/OFF to substantially an ON state, depending upon a position of the eye of the target person, as required in independent claim 1.

To the contrary, Hirasawa teaches an automatic operation which functions without the photographer realizing that the Hirasawa system changes the image displaying direction of the monitor to the direction of the photographer's side (viewfinder). Hirasawa does not disclose a guide light that changes its illumination from flickering to being turned on in order to guide the eye of a person to the iris identifying apparatus as claimed by Applicant. Since Hirasawa does not disclose, teach or even suggest providing the photographer with information concerning whether or not his eye is within a range of optimum distance, the image pickup apparatus taught by Hirasawa is quite different from the present invention and does not render the claimed invention obvious.

Accordingly, claims 1-2, 4 and 7-10 are not rendered obvious by any combination of Seal and Hirasawa.

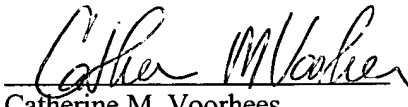
Applicant acknowledges the indication of claims 3, 5 and 6 as containing subject matter that would be allowable if rewritten in independent form. By the foregoing Amendment, claim 5 is rewritten in independent form including all of the limitations original claim 1 and original claim 2. In addition, new claim 11 is added which presents the allowable subject matter of claim 5 in independent form with the features of original claim 1.

Newly added claim 12 is dependent from claim 1 which is at least allowable for the reasons set forth above. Thus, newly added claim 12 should be allowable over the prior art of record.

Should the Examiner believe that a conference would advance the prosecution of this application, the Examiner is encouraged to telephone the undersigned counsel to arrange such a conference.

Respectfully submitted,

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